of 10

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 3747 /2004

PETITIONER : **R.K.Dhankar, S/o Shri B.R.Dhankar, aged 45 years, Occupation-Service, presently posted as Accountant in Integrated Tribal Welfare Project, Dondilohara, R/o New Bus Stand, Balod, District Durg (C.G.)**

-VERSUS-

RESPONDENTS :

1. **State of Chhattisgarh through Principal Secretary, Department of Tribal Welfare, Mantralaya, D.K.S.Bhavan, Raipur (C.G.)**
2. **Collector (Tribal Welfare Branch), District Durg (C.G.)**
3. **Assistant Commissioner, Tribal Welfare Department, District Durg (C.G.)**
4. **Minister-in-Charge, District Durg (C.G.)**

P.R. No. 3747/04
Presented by Shri Ramakrishnan
dated 06/XI/04 at Durg

RECEIVED for COPY
6/XI/04
Clerk to A. G. Bilaspur

WRIT UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A SUITABLE WRIT, ORDERS OR DIRECTION.

The above named petitioner most humbly and respectfully begs to submit as under: -

1. **PARTICULARS OF THE PETITIONER(S):**

   As per the cause title.

2. **PARTICULARS OF THE RESPONDENT(S):**

   As per the cause title.

(36)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.3747 OF 2004

Petitioner : R.K.Dhankar

versus

Respondents : State of Chhattisgarh and others

Present : Mr. Indrasen Sahu, counsel for the petitioner.
Mr. Ajay Dwivedi, Panel Lawyer for the State/respondents.

ORDER

(Passed on 22nd Day of February, 2007)

The petitioner, while working as Accountant in the office of Project Administrator, Integrated Tribal Welfare Project, Dondilohara has been transferred to Higher Secondary School, Ranakhujji, vide order dated 31-7-2004 (P-3).

2. No stay order was granted by this Court in this matter. The transfer order dated 31-7-2004 (P-3) must have been executed by the respondents.

3. Be that as it may, with the passage of time, this petition has become infructuous as period of transfer is not applicable forever. At this point of time, there is no question to examine the validity of the impugned transfer order. However, the respondents are at liberty to

pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decided as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved *mala fide*, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. In view of the above, the writ petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal